

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

---

DANIEL LOVELACE and  
HELEN LOVELACE, Individually,  
and as Parents of  
BRETT LOVELACE, deceased,

Plaintiffs,

VS.

NO.: 2:13-cv-02289 SHL-dkv

PEDIATRIC ANESTHESIOLOGISTS, P.A.;  
BABU RAO PAIDIPALLI; and  
MARK P. CLEMONS,

Defendants.

---

ORDER GRANTING PLAINTIFFS' MOTION TO STRIKE THE  
CERTIFICATE OF GOOD FAITH OF DEFENDANT MARK P. CLEMONS, M.D.  
UNDER T.C.A. § 29-26-122, (b) AND (c), and BRIEF

---

Before the court is the May 9, 2014 motion of the plaintiffs, Daniel Lovelace and Helen Lovelace, pursuant to Tenn. Code Ann. § 29-26-121(b) and (c), to strike the Certificate of Good Faith of Defendant Mark P. Clemons, M.D., filed on May 1, 2014. The motion was referred to the United States Magistrate Judge for determination.

Pursuant to Local Rule 7.2(a)(2), responses to motions in civil cases are to be filed within fourteen days after service of the motion. The defendants have not filed a response to this motion, and the time for responding has now expired. Rule

7(a)(2) further provides that “[f]ailure to respond timely to any motion. . . may be deemed good grounds for granting the motion.”

In the absence of any response by the defendants, the plaintiff's motion is granted. The Certificate of Good Faith on Behalf of Defendant, Mark P. Clemons, M.D., in Support of Allegations of Fault as to Non-Party (ECF No. 99), be and hereby is stricken under T.C.A. § 29-26-122, (b) and (c), and that the affirmative defense of non-party fault is stricken from the Answer of Mark P. Clemons, M.D. (ECF No. 99.)

IT IS SO ORDERED this 2nd day of June, 2014.

s/Diane K. Vescovo  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE